

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

In re: OPTIMA UNIVERSITY, LLC

Case No. 09-11212-GHB

Debtor.

Chapter 11

**UNITED STATES TRUSTEE'S MOTION TO CONVERT CHAPTER 11 CASE TO
CASE UNDER CHAPTER 7 OR, IN THE ALTERNATIVE DISMISS CHAPTER 11
CASE PURSUANT TO 11 U.S.C. § 1112**

The United States Trustee for Region 8 ("UST") in furtherance of his administrative responsibility respectfully requests the entry of an order converting the Debtor's Chapter 11 case to a case under Chapter 7, or in the alternative, dismissing the Debtor's Chapter 11 case. In support of this Motion, UST relies on the following:

1. On March 23, 2009, (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11, Title 11, United States Code (the "Bankruptcy Code").
2. The Debtor has failed to file Monthly Operating Reports for the months of May 2009 through September 2009 (the Monthly Operating Report for October, 2009 will be due on November 15, 2009).
3. The Debtor has failed to pay Quarterly Fees when due. Outstanding Quarterly Fees for Second Quarter 2009 are estimated to be \$650.00. Third Quarter 2009 fees are estimated at \$650.00.
5. Therefore, based upon the foregoing, cause exists to convert the Debtor's Chapter 11 case to a case under Chapter 7, or in the alternative, dismiss the Debtor's Chapter 11 case.

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OR IN THE ALTERNATIVE, MOTION TO DISMISS CHAPTER 11 CASE

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WHEREFORE, UST respectfully requests that:

1. The Court enter an order converting the Debtor's instant case from a Chapter 11 to a case under Chapter 7 or, in the alternative, dismiss the Debtor's Chapter 11 case; and
2. The Court grant UST such additional general relief to which UST may be entitled.

Respectfully submitted,

RICHARD F. CLIPPARD
UNITED STATES TRUSTEE, REGION 8

/s/ Madalyn S. Greenwood (#12241)
Assistant U.S. Trustee
United States Department of Justice
Office of the United States Trustee, Region 8
200 Jefferson Avenue, Suite 400
Memphis, TN 38103
901/544-3667

CERTIFICATE OF SERVICE

I, Madalyn S. Greenwood, hereby certify this the November 5, 2009 service of a true and accurate copy of the foregoing by electronic means and/or via regular U.S. Mail, postage prepaid, to the following persons in accordance with Guideline 17B of the Amended Guidelines for Electronic Filing.

/s/ Madalyn S. Greenwood. (#12241)

Debtor
Debtor's Attorney
All parties listed on the matrix